

Sep 11 2023 9:11 am



ZONING Board of APPEALS
 718 Main Street – Suite 201B
 Fitchburg, MA 01420

MEETING MINUTES – JULY 11, 2023

Legislative Building at 700 Main Street

Note: This was a Hybrid meeting, broadcasting and recording by FATV!

1. **Call to Order** Christine Tree **PLEDGE OF ALLEGIANCE** ALL
2. **Communications** Christine Tree
3. **ATTENDANCE:** Christine Tree (Chair), Michael McLaughlin (Vice-Chair), Joseph Byrne (Clerk) & Eric Chartrand – Brian Gallagher (on last two petitions only)
4. **MEMBERS ABSENTEE:** James Reynolds
5. **Hearings:** Started at 6:05PM

CASE No.	APPLICANT	PROPERTY	TIME
ZBA-2022-25	LUK, Inc.	297 CLARENDON ST	6:00PM
<i>Review of the Special Permit §181.333 of the City of Fitchburg Code to change the use from a two-family dwelling into a Nonexempt Educational Use pursuant to §181.313D3 & §181.94 located in Residential B District Map 103 Block 24 Lot 0</i>			

Present were Mike Roberts (Luk CEO), and Brent Heinzer (Architect)

CT - Special permit was granted at the July 12th, 2022 meeting, and we would go through the conditions, so have you can respond whether or not you've met the condition and then.
 First condition to be planting screens in the walkways. – MR – Yes

CT - I visited property over the weekend there are some very small shrubs, are those the screening?
 – MR - Those are temporary, because the City is resurfacing the entirety of Clarendon Street and replacing the sidewalks. Once they determine the line of the sidewalks, we're going to rebuild the retaining wall, put full size plantings

CT - Do you know the timeline on that? – MR - It's on this year's schedule

CT - What's the height of the proposed plantings – BH – Tall enough, up to cover the landing part of the ramp.

CT – Second, the rubbish bins be screened, where they're located? – MR - On the side of the building and it's screened by the ramp the handicap ramp

CT - Were to be at least 2 1/2 baths on the property – MR – Yes

CT - No more than nine children resident – MR – Correct, we don't have over 9, but the census does vary based on placements

CT - Never more than two children allocated per bedroom – MR - That's correct

CT - Have you received any complaints from neighbors or abutters? – MR – No, we haven't

CT - Special permit would expire upon the transfer of the operations from Luk, is Luk still the operator? – MR – Yes, we still official the owner of the property

CT - Special permit had been recorded, and you've had the certificate of occupancy, since November 10th. Fire department all done, which is a safety issue of focus for the City. How long have you actually been in operation? – MR - November 13th, was our first client

CT - Handicap bathroom on the first floor, and also fire suppression system- MR – Yes, both contractors and our architect did a great job.

JB – I Visited the property and they have residential trash barrel, which this isn't a business corporation use. I want to know how you are eligible for municipal trash pickup. – MR - We do lease the rubbish barrels from the Board of Health, so we pay an annual fee lease

CT – Is anyone present or virtual to talk for, on, or against this petition? – None

CT - We do want to make sure the plantings of appropriate height, I did see the lattice and overall the addition of the ramp is very attractive and in keeping with the style of the house

MM - Motion in the affirmative on ZBA-2022-25 under §181. 333 & §181.313D3 & §181.94 to **Approve the Review** as all conditions had been met and no further review is required by the Board.

- 1. Planting screens on the walkway**
- 2. Rubbish bins to be screened**
- 3. Two and a half baths to be on property**
- 4. No more than nine resident children**
- 5. No more than two children per bedroom**
- 6. Not to be operated as a public nuisance**
- 7. Sunset Clause: Special Permit shall terminate/expire upon the transfer of the business from LUK, Inc.**

JB – Motion Seconded

Vote 4 – 0 to **Approve the Review**

ZBA-2022-13 Adam Pishdadian 76 PRICHARD ST 6:15PM
Review of a Special Permit under §181.336 of the City of Fitchburg Code to reinstate a vacant/abandoned building and convert the use from one nonconforming use to another less detrimental nonconforming use as a two-family dwelling pursuant to §181.332 located in the Residential C District at Map 31 Block 80 Lot 0

CT - No one is here to speak on this matter, and we have received a communication from the permit holder's brother. See Exhibit "A"

CT – At this point, there's been no further inspections requested, but an electrical permit was applied for in April and the special permit has been recorded at the registry of deeds. Special permit originally granted at the July 12th 2022, and there is an end date on it, which are 16 months to completion of the project, so that would be in November.

CT - Is someone present or online who wishes to speak on this matter please raise your hand - None

CT - Does any board member have an objection to the request for the continuance?

EC - We wanted to give him a couple of months, he has some personal matters out there

MM - Are the porches complete? CT - Back deck is complete, and the one to the left rear was not visible.

Mrs. Sanchez - I believe I had completed all the Board asked for.

CT - Did you repave the driveway and the parking area from the bottom – PS – Yes

MM – Is the porch on the left hand side finished? – PS- Yes

MM - The granite wall to the left side of the driveway to be repaired with granite – PS – Yes, the utility company had to removed that to work on the gas meters. However, I still have the granite saved, and it needs to be reinstalled back where it was

MM - How long to reinstall the granite piece back on the retaining wall – PS - By the end of the week

MM – Okay, we are going to add it as a condition, to be completed within 30 days, but we are not going to schedule a further review date at this time.

MM - Motion in the affirmative on ZBA 2022-23 under §181.94 & §181.33 to **Approve** the **Review** with an added condition and all prior to remain:

- 1. Any conditions or design standards recommended by DPW after review of the site plan and parking plan and consultation on the site, particularly regarding the retaining wall and drainage system in the rear of the lot, will be incorporated as conditions of the special permit.**
- 2. The exterior architectural elements of this property, as described to the Building Department, to be preserved or replaced with substantially similar replicated elements of similar quality and appearance.**
- 3. Property to be used as a two-family dwelling only.**
- 4. Project to be constructed substantially in accordance with the plan submitted with the application, except modifications required after DPW review.**
- 5. Driveway and parking area to be paved with finished black top or pavers.**
- 6. Left side entrance retaining wall with missing granite piece to be reinstalled within 30 days of the date of hearing, or by 8/11/2023.**

JB – Motion Seconded

Vote 4 – 0 to **Approve** the **Review** as all conditions have been substantially satisfied.

ZBA-2023-09 Ruth Guzman 324 LUNENBURG ST 6:45PM
Review of the Special Permit under §181.94 of the Fitchburg Zoning Ordinance to reinstate a revoked Special Permit for the reinstatement of a vacant/abandoned building as a 3-family dwelling pursuant to §181.336 located in the Commercial District Map 36 Block 15 Lot 0

Present were Ruth Guzman (Petitioner) and Diana Leon (petitioner's daughter)

CT - After the reinstatement of the Special Permit in the May meeting, and at that point in time you had represented to the Board that you could complete the work in 30 days. We decided that you should have 60, and that included all of the conditions of the prior permit. The basic basement walkout door to be in working condition, landscape work to remediate water flows, gutters and the front steps. I was pleasantly surprised on my last drive by this property to see that the front porch had finally been completed, and painted.

DL - We managed to do it by the beginning of June, so we were hustling made sure that everybody did everything in appropriate time. We did the repairs, a deep cleaning in the house front and back with power washing. We also noticed that a second floor exit was no accessed to the basement, so aside from finishing all the repairs were on the list we also managed to do the connection from the second floor. We also repaired windows and screens that weren't on the list, to help with the occupancy permit.

CT – So, to your knowledge there's no outstanding item in the conditions, or the renovations of the property that needs to be done. – DL - No, everything passed and sign off by City officials

CT - We have some city department comments, see exhibit “A”

CT - Building department states all inspections have been satisfied, interior and exterior and the only thing that's holding up is the certificate of occupancy being issued is the Zoning Board's approval of the condition.

CT – Is anyone present or virtual who would like to make a statement or ask a question on this matter? None

MM - Motion in the affirmative on ZBA-2023-09 under §181.94 & §181.336 to Approve the Review as all conditions had been met, therefore, no additional review is required.

1. **Repair and paint all decking.**
2. **Upgrade exterior with uniform gutters, facial boards, and vinyl siding.**
3. **Full rehabilitation of kitchen and bathroom, front first floor.**
4. **Paint kitchen and bathroom from the second floor with a granite kitchen counter and new vanity in the 3 bedroom unit.**
5. **Alter paving and landscaping as per plan submitted to the Zoning Board (Dated 5/14/2019).**
6. **Repair slate roof or re-shingle with good quality asphalt shingles.**
7. **All items outlined in exhibit D, "Scope of work," to be completed.**
8. **The special permit shall terminate/expire if the property is sold or transferred prior to all conditions from Zoning Board have been met.**
9. **Property is not to be Occupied or put into use before Zoning Board findings that all conditions have been met.**
10. **Property to be kept free from outside storage or debris, and to be maintained at all times throughout the completion of the project.**
11. **The yard is to be maintained in acceptable condition throughout the completion of the project.**
12. **The property will be cleaned in short order and kept clean until the project's completion.**
13. **The front porch and front walkway to be repaired including paint by April 30th, 2022. (Added 1/11/2022)**
14. **All work to be completed and all conditions met by July 9th, 2023.**
15. **Basement walk-out door to be in working condition.**
16. **Landscape work to divert water from the building to be installed to ensure continued access to the basement.**
17. **Gutters, front steps and decks including latticework to be completed as specified in prior decisions.**

JB – Motion Seconded

Vote 4 – 0 to **Approve** the **Review** as all conditions been met.

Continuance:

Special Permit under §181.332 of the Fitchburg Zoning Ordinance to reinstate a vacant/abandoned nonconforming mixed-use structure changing the use to another nonconforming less detrimental use as a duplex pursuant to §181.94 located in the Residential C District Map 10 Block 115 Lot 0

Petitioner was present by virtual participation Nadel Antonio (Petitioner):

CT - There was a scheduled opportunity for a site visit on this project over the weekend, which was attended by Mr. McLaughlin and myself. We did have the opportunity to take a walk around and look at the property, and talked what your plans are for it. As I understand it, the main building used to be a sauna, and you're now proposing to change it to a residential building, as a duplex. However, there is also an issue where the roof has caved in due to the snow load. So, there's a need as a safety concern to demolish the building, but you have two other projects going in the city right now, and there is some period of time before you're going to be able to turn your attention to this project; is that right? – NA - Correct I should be able to have the building torn down by December, but I won't be able to start the new construction for a year or two.

CT - I did attempt to look at the other lot which I think is two houses down, that you proposed to use for parking. There was a parking plan that you had given to us at the site visit. – NA - I didn't have a chance with the rain to clear that, but in a week or two I'm going to clean that out and I'll submit some pictures to the building department

CT - The interim resolution that we had discussed because there are still some questions that we'd like to see answered, and obviously it's a time period before you're going to actually move forward on the project, but the city is very interested in having the building come down as safety matter. However, you are faced with a two year timeline for reconstruction, as one of the potential deadlines. – NA - Correct

CT – As a one board member, I'd be interested in having you take the building down now, continuing this matter for 12-months, and then having you back in to proceed when you actually are closer to doing the work. Personally, I would be willing to make sure that there is no effect on the timeline, by granting a mutual extension on any deadline for rebuild or under the special permit. Were you agreeable to that Mr Antonio? – NA - That will be great please

CT - We have no comment other than from the Board of Health, the Board of Health has been very anxious to see the building down.

EC - Agree with you 100% on the idea of taking this building down as quickly as possible, before December would probably be the best thing for you to do. An asbestos surveyor should be hired, where are you in that process? – NA – We have had Unitil cut the wires and cap the gas, water had been turned-off and my next available funds is to get someone to do the asbestos, as my next step.

EC – I believe you need to get it surveyed to get the permit, and you want to do it anyway. Otherwise, you'll have to treat the whole debris as hot, and it will cost you a fortune. The challenge is if that thing will last till December – NA - When the roof collapsed, we went in there and reinforced the walls. So, there it is secure from buckling out, but I want to tear it down because I don't want that liability either for having an unsafe building.

CT – Comment from the Water Department, is the owner planning on having the water to the units metered individually? A separate water service is required to each unit, also I would note that there was a demo permit applied for on March 20th.

CT - Is any person here or virtual who wishes to speak on, ask a question or speak against this matter? None

EC - Don't have any concerns, you'll have a better idea of what you're going to do after the building is gone. Once you can see the lot you will have a better set of plans, get it surveyed first to know where the lot lines are for the existing building, because it's definitely pre-existing nonconforming.

MM - I'm not quite ready to vote on the plan as submitted because we need to see it down. I know there's some financial difficulties but I hope to see it down by December, I'm not an inspector but I could say that's a severely unsafe building and it's going to fall towards the street. Therefore, we need to have a timeline on when it's going to be done; I want to work with the petitioner so a continuance will be good.

EC - I can only say that if the Building Department says it needs to come down next week, or next month that's not the board's purview.

CT - On the second lot there is a lot of overgrowth, and we did have a conversation with the applicant about maintaining that and cutting it. I would be looking to continue the review for 12-month without prejudice to any timeline or deadline to which the applicant might be subject.

JB - Let's bring him back in December to make sure that it's going to be down by then.

JB - Motion in the affirmative on ZBA-2023-10 under §181.332 & §181.94 to **Grant a Continuance to December 12, 2023** with the following conditions:

- 1. Structure to be demolished before December 1st 2023, unless sooner required by City Building or Health Departments.**
- 2. The overgrowth on both lots to be maintained while this application is pending.**
- 3. After the current structure is demolished, the foundation may remain but must be capped.**
- 4. All deadlines related to Petitioner's rights to reconstruct the building after demolition and to constructive allowance of this petition for Special Permit are extended by tolling until July 31, 2024 by mutual agreement. Petitioner shall sign an extension agreement to this effect and submit to the Building Department within 7 days after receipt.**
- 5. Public Hearing continued to December 12, 2023.**

MM – Motion Seconded

Vote 4 – 0 to **Grant a Continuance to December 12, 2023**

ZBA-2023-10 Lewis Colten 21 UNION ST 7:15PM
Review of the Special Permit under §181.94 of the Fitchburg Zoning Ordinance to reinstate and change the use of a vacant/abandoned building from a church to a single-family dwelling pursuant to §181.333 located in the Residential C District Map 44 Block 141 Lot 0

Present were Calvin Sangster and Edwin Velez (Both property owners)

CT - We had new owners of the property, since the permit was originally approved. It's my understanding from the last meeting that there's a desire to demolish part of the building to provide parking – CS - Correct

CS - When we purchased the property, we didn't know that board meetings had been held about the property, it wasn't told to us. We submitted the deed to the building department, we got all our plans together and submitted to the building department and pay the fee for the building permit.

CT - You're still intending to use it as a single family home – CS - Yes

CT - You have submitted a new set of plans by T Design, LLC, dated June 25th of 2023. It's your intention to construct substantially to this design – CS – Yes

CT – They are engineering stamped – CS – Yes, right now it's a church and an apartment upstairs, at some point it was a two family by way it's designed. They built an addition over the driveway, and turned that section of the house into a stage of the church, and we want to take that down to get the parking. We did do some measurements and brought some pictures, there is a fence between 21 Union St. and the property next to it. Which it's going to remain once we take down that that addition. We're going to have 17-feet from where the edge of the house is going to be to the property line. So, that's definitely wide enough and more than nine feet. On the current conditions is listed new windows, but they've been replaced recently.

EC - Have you approached the DPW about curb cut – CS – Yes, my wife started the process already, but I don't think they've responded to our request yet.

CT – Did the engineer make an onsite visit – CS – Yes, he made two onsite visits

CT - I'll go through the conditions in the existing special permit, because now you're talking about creating parking and having a different plan. As one board member, I am fully in favor of creating parking, but you're also stating that windows don't need to be replaced. Is there any other condition that you would request – CS – No, everything else we agree with.

CT - Completion of the work, what would you anticipate – CS - We're hoping for four months.

CT - You have funding, supplies and a contractor in place – CS – Yes

EC - I think you should have a survey so you can show us where the property lines are. – CS – I thought the reason for the survey was to make sure we're not opening a car door onto the neighbor's property, but there's no possibility way to do that. My only reason I'm asking is because our budget is tight, and the survey will be an extra cost.

MM – Agree to get a certified plan showing the parking, and about the new windows, I am okay with the board amending some of the conditions. Obviously, any windows or doors that are not new should be replaced.

BG - Agree with the rest of the Board to see a certified plot plan in terms of parking

CT - I would like to make sure the project gets done timely; I would like to see you back at the December meeting. The certificate of occupancy is not going to issue until we approve the review, which means the Board is satisfied that all conditions have been met.

MM- We are only four board members tonight, which means that you would need to have a unanimous vote – PM – I fully understand and we want to move forward tonight.

The building was constructed in 1960, the front portion of the building was used as a dormitory for students and the rear portion was used as a housing for faculty. So, the floor plan is very much set up as a lodging or boarding house, currently the school hasn't been in operation for at least six years. Property is located within the Neighborhood Business district, so a lodging and boarding house is not an allowed use, and this project would also require a site plan approval from the Planning Board, so at that time we would do a full survey and set of site plans. However, this is a use variance; we didn't want to go through that effort at this point, if this board is not in support of that. We're not proposing any additions or demolition of the structure, it's an exterior renovation of the façade, roof, siding, paint improvements and landscaping. Interior essentially is set up as it needs to be, there's multiple bedrooms from when it was a dormitory use, and the plan would be to reuse those as the lodging rooms. A new upgraded commercial kitchen, common bathroom and washroom facilities for the residents. In the basement, there would be a common room for gathering, so it's a reuse plan for a building. The applicant sees this as a good way to bring this building back to its stature, when it was originally constructed.

Now, there is a large gravel parking lot, our intention would be to relay that out and strike with the standard parking spots to provide, if not all of the rooming house parking at the lower lot. Leaving a driveway in between the high school building and the dormitory building, and the parking lot to the rear to be used for a future redevelopment of the high school building. This is a continuation of the original constructed use and the historic use of the building, by looking at the floor plans of how the space is layout; as it shows on the plans were submitted from Jay Ferrara architect.

MM – We had received some comments from the various departments within the city, please see exhibit “A”

MM - Is there anybody via Zoom who wish to speak in this matter? None

MM – Multiple in person residents are present to speak in this petition:

William Burque of 7 Thomas St., which is diagonally across from said property. I've lived on Thomas St. for 50 years. First, this was used by Notre Dame School, and the brothers lived in it. It was a prep school, a student dormitory, but they all had a homogeneous common purpose. I think if those 22 apartments came to bear, there wouldn't be the same commonness. I was looking at the plan, and unit 5, 8, 18 and 22 have no closets. I also questioned the number of lavatories and showers for that volume, I don't see with Hosmer down the street, a federally funded daycare Head Start, it would be a right fit for the residential area.

Bernie Schultz, Ward one city councilor, and I've talked to some of the abutters and discussed with some of the city councilors and they agree with the assessment of the community development department. It should be turned into apartments, rather than into a boarding house. As was mentioned the proximity to the school building, and looking at the use variance proposed use it would not create any hardship to the owner. It would create a hardship and disturb the existing character of the neighborhood.

Tom Donnelly of 149 Prospect St., I think zoning is to protect the neighborhoods. I know there may be some differentiation between rooming and boarding houses, I think we're looking for stabilization and they wouldn't be asking for a special request if it fit into the zoning. I don't think it's a good project for the neighborhood, or for Fitchburg.

Cory Donnelly of 15 Linden St., when I think rooming house I don't think it's good for Fitchburg. Rooming house means extra service calls, and I don't think it's good for that neighborhood.

EC - Any possibility of doing a property line swap over there, to alleviate that – PM – yes

EC - Sprinklers for the building – PM – Yes

EC - What type of residents, is going to be? PM - For the youth and that's what a lodging house is, rented rooms, shared facilities, kitchen, bathroom, and laundry.

BG – How many total bathrooms are in the building – PM - First floor has a common bathroom, three showers, 3 toilets, 3 sinks and a handicap accessible bathroom that has a toilet, shower and sink. Same setup on the second floor, and third floor is 1/2 bath and a full bath

BG - How many kitchens – PM - Full kitchen on the first floor

BG - What is the total square footage of the building – PM - 12,600 square feet

MM – It’s your call if you would like to continue – PM – Yes, I would like to continue till next month.

MM – Next meeting will be September 12th – PM – Okay that will work.

MM - At this point the hearing is closed so we aren’t going to go into a deliberation, we would deliberate at the September 12th meeting with the 5th member present

JB - Motion on the affirmative on ZBA-23-20 under §181.932 & §181.313A5 to **Grant** a **Continue** on the hearing to **September 12, 2023**, by a mutual agreement.

EC – Motion Seconded

Vote 4 – 0 to **Grant a Continuance to September 12th, 2023**

ZBA-23-21 **Jose Francisco-Bueno** **1033 MAIN ST** **7:45PM**
Special Permit under §181.313D12 of the Fitchburg Zoning Ordinance to continue the use on the property as an Auto Repair Shop pursuant to §181.94 located in Downtown Business District Map 18 Block 90 Lot 0

Present were Jose Francisco Bueno (Petitioner) and Petitioner's sister Catherine stating, that we're hoping to continue the use of this building as an automotive shop. It'll be a small family-owned business; there wouldn't be any more tires but more repairing and car maintenance.

CT - Are you operating the business under an entity like a corporation or an LLC, or in your own name - JB - A corporation named "Midnight Auto Repairs"

CT - Have you already created the corporation - JB – Yes

CT - You're the sole owner of the corporation - JB – Yes

CT - There was a special permit ZBA-2019-40 that was issued, and it had a sunset clause. Which means that as soon as the same owner no longer owned the property the special permit terminated, and at the meeting in June it was determined that the business had been sold already and that special permit terminated. I assume you have some knowledge because you were asking to reinstate the permit, and are asking to continue it. Since it’s going to be almost the same use of the building. - JB - I wasn't sure, if I was able to, or if I had to get a complete new one

CT - You are because it terminated, but you're asking under a clause which allows us to continue a use that existed before. It became not allowed in the district, so because there was a prior permit there's a provision that allows you to ask for a new permit for yourself.

CT - These are the conditions that were on the last special permit, see exhibit "A"

CT - How many employees are you going to have? - JB - Myself and my sister in the office, and one more tech in the future.

CT - Are you planning any renovations to the building? - JB - Yes, painting, we're in the process of cleaning it and a little surface flip but no expansion at all.

CT - Do you have a sign to put up - JB - I do, it isn't made yet, but D and G is working on it

CT - About what size do you expect the sign to be - JB - Same as they are now, but it will be with my logo.

CT - The parking configuration that you showed is very different than the one that's displayed on the engineered plan. It shows four cars on the left, two on the right, and then one in the back. How have you ensured that the parking spaces are the required dimensions which is 9 by 18? -JB - They are measured and they are correct, and they're already painted. They were there before I even touched them, and if you look at the plan one car is parked directly in front of the two bays, so in case of an emergencies and the police, fire, or medical could get in and out very easily.

CT - It's a total of seven spots on that plan - JB – Correct

CT - Are you leasing the property from the property owner - JB - I bought it

CT - Is the purchase dependent on this approval - JB - I have it right here

CT - Is there any person here or virtual who would like to ask a question, make a comment, or voice their concern regarding this matter? None

MM - How many years did do you have in this profession - JB - 8 ½

MM - Do you have an existing clientele - JB – Yes.

EC - Parking, if what's proposed works, I would say put entrance and exit only sign to go in one side.

MM - The previous owner put a new vinyl fence to the left, and it's already destroyed. We need you to replace the fence, paint the building with some color coordination. I walked the property today and there's a pole with rims and chain on it, and I would want to put a condition that gets removed. Also, at some point between the street to your right, a proper chain link fence or something gets installed to keep cars from parking on the sidewalk. So, you can park vehicles safely, and the sign base is cracked, it's disheveled with weeds, and there's loose wires hanging on the pole.

CT - You had said you were looking for hours Monday through Friday 8:00 to 5:00, and Saturday 8 to one. You're still going to be able to do the parking as you laid out with the dumpster in one of the spaces, right - JB – Yes

MM - What's going to happen with the signs on the front of the building that - display different corporate logos, or products – JB - All those logos are getting removed

MM - The painting condition that's something that can probably be accomplished by the fall – JB - I actually have a contractor that's going to be looking into painting the building within this or the next week.

MM – Fence, removal of the poles, and fixing of the sign might take a little bit longer. Therefore, probably we want to have a review by November.

MM- Motion on the affirmative on ZBA-2023-21 under §181.313D12 & §181.94 to **Approve** the **Special Permit** to include conditions from the previous special permit ZBA-2019-40 some have been modified and additional were added as follow:

1. **No handmade signs/banners- Professional signage only**
2. **No vehicles for sale, no unregistered vehicles on the premises, and no storage of vehicles other than active customers and employees.**
3. **Auto repairs to be performed within the building only.**
4. **No outside storage or display of tires or vehicle parts, and property shall be kept clear of trash and debris.**
5. **Dumpster shall be positioned on the right rear of the property.**
6. **In and out directional markers shall be painted on the pavement to indicate traffic movement in a one way direction.**
7. **Petitioner shall replace the vinyl fence on the left of the property.**
8. **Petitioner shall remove the pole with rims and chains on it, and install a fence on the right hand side of the property up to the end of the parking spaces to prevent parking on the sidewalk.**
9. **Petitioner shall repair or replace the existing sign pole and base servicing the premises.**
10. **Building to be painted in neutral color coordinated with the fencing.**
11. **All work to be completed by November 2023 review meeting.**
12. **Not to be operated as a public or private nuisance.**
13. **Hours of operation: Monday - Friday 8:00AM to 5:00PM - Saturday 8:00AM to 1:00PM**
14. **Sunset clause – Special Permit shall terminate/expire upon the sale/transfer of property of change operation from Jose Francisco Bueno/Midnight Auto Repair, Inc.**
15. **Review – November 14, 2023**

BG – Motion Seconded

Vote

5 – 0

to **Approve** the Special Permit with conditions.

6. MISCELLANEOUS

7. ADJOURNMENT